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JUN 13 2001  
PATENT AND TRADEMARK OFFICE  
UNITED STATES OF AMERICA

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/825,815	04/04/2001	Vincent Hue	218.1001

23280  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 SEVENTH AVENUE, 14TH FLOOR  
NEW YORK, NY 10018

**RECEIVED**

MAY 22 2001

\*OC000000006081444\*

CONFIRMATION NO. 2931

ALITIES LETTER

DAVIDSON, DAVIDSON & KAPPEL

Date Mailed: 05/16/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The following item(s) appear to have been omitted from the application:

- Page(s) 15 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers

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(i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*

*EST*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



Our Ref. 218.1001      April 4, 2001

CSK/jb

RE: Patent Application of: Vincent HUE  
Serial No.: Not Yet Known  
Filed: Herewith  
For: **AUTOMATED TOOL FOR DETECTION OF POTENTIAL  
RACE CONDITION**

Enclosed are:

- Utility Patent Application Transmittal (4 pages);
- Specification, 73 claims and Abstract (41 pages);
- Nine Sheets of Formal Drawings (9 pages);
- Unexecuted Declaration of Inventorship (2 pages);
- Checks in the amount of \$2,224.00; and
- Certificate of Express Mail (1 page).

J1031 U.S. PTO  
09/825815  
04/04/01

WITH EXPRESS MAIL LABEL NO. EL 743184481 US

DUE:  
BOX: PATENT APPLICATION  
RECEIVED BY:  
*M.L.*

DAVIDSON, DAVIDSON & KAPPEL  
PATENT ACCOUNT  
485 SEVENTH AVENUE, 14TH FLOOR  
NEW YORK, NY 10018

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HSBC BANK SA  
EASTCHESTER, NEW YORK 10709-2814  
1108-210

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TO THE DATE

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\$2,224.00

Commissioner of Patents & Trademarks

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Details on back

DAVIDSON, DAVIDSON & KAPPEL LLC

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Commissioner of Patents & Trademarks \$2,224.00

INV # 218.1001

New Patent Application

DAVIDSON, DAVIDSON & KAPPEL LLC

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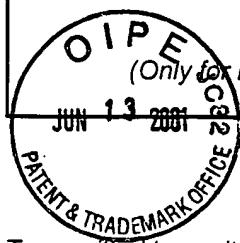
Commissioner of Patents & Trademarks \$2,224.00

INV # 218.1001

New Patent Application

# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*



Docket No.  
218.1001

Total Pages in this Submission  
57

## TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**AUTOMATED TOOL FOR DETECTION OF POTENTIAL RACE CONDITION**

and invented by:

**Vincent HUE**

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Which is a:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Which is a:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Enclosed are:

### **Application Elements**

1.  Filing fee as calculated and transmitted as described below
  
2.  Specification having 41 pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (*if applicable*)
  - c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
  - d.  Reference to Microfiche Appendix (*if applicable*)
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (*if drawings filed*)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.

218.1001

Total Pages in this Submission

57

**Application Elements (Continued)**

3.  Drawing(s) (when necessary as prescribed by 35 USC 113)
  - a.  Formal Number of Sheets 9
  - b.  Informal Number of Sheets \_\_\_\_\_
4.  Oath or Declaration
  - a.  Newly executed (*original or copy*)  Unexecuted
  - b.  Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
  - c.  With Power of Attorney  Without Power of Attorney
  - d.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (*usable if Box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.  Computer Program in Microfiche (*Appendix*)
7.  Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all must be included*)
  - a.  Paper Copy
  - b.  Computer Readable Copy (*identical to computer copy*)
  - c.  Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8.  Assignment Papers (*cover sheet & document(s)*)
9.  37 CFR 3.73(B) Statement (*when there is an assignee*)
10.  English Translation Document (*if applicable*)
11.  Information Disclosure Statement/PTO-1449  Copies of IDS Citations
12.  Preliminary Amendment
13.  Acknowledgment postcard
14.  Certificate of Mailing  
 First Class  Express Mail (*Specify Label No.*): EL 743184481 US

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

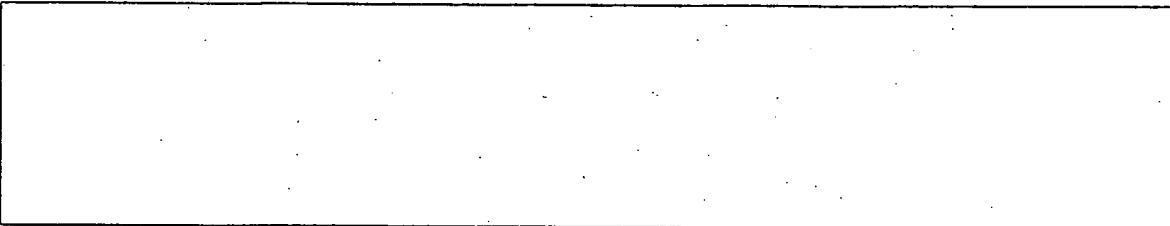
Docket No.

218.1001

Total Pages in this Submission

57

**Accompanying Application Parts (Continued)**

15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16.  Additional Enclosures (*please identify below*):  


**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

17.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
218.1001

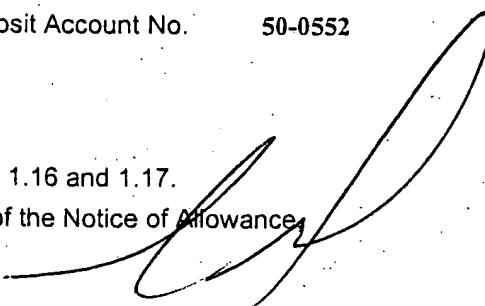
Total Pages in this Submission  
57

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	73	- 20 =	53	x \$18.00	\$954.00
Indep. Claims	10	- 3 =	7	x \$80.00	\$560.00
Multiple Dependent Claims (check if applicable)					\$0.00
				<b>BASIC FEE</b>	<b>\$710.00</b>
OTHER FEE (specify purpose)					\$0.00
				<b>TOTAL FILING FEE</b>	<b>\$2,224.00</b>

- A check in the amount of \$2,224.00 to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge and credit Deposit Account No. 50-0552 as described below. A duplicate copy of this sheet is enclosed.
- Charge the amount of \_\_\_\_\_ as filing fee.
- Credit any overpayment.
- Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance pursuant to 37 C.F.R. 1.311(b).



Signature

Dated:

4/4/01

Cary S. Kappel, Reg. No. 36,651  
Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14th Floor  
New York, New York 10018



23280

PATENT TRADEMARK OFFICE

cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): **Vincent HUE**

Docket No.

**218.1001**

JUN 13 2001  
Serial No.  
To be Assigned  
*PATENT & TRADEMARK OFFICE*

Filing Date  
Herewith

Examiner  
To be Assigned

Group Art Unit  
To be Assigned

Invention: **AUTOMATED TOOL FOR DETECTION OF POTENTIAL RACE CONDITION**

I hereby certify that the following correspondence:

**New Utility Patent Application and Accompanying Documents**

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

April 4, 2001

*(Date)*

**Samuel Gomez**

*(Typed or Printed Name of Person Mailing Correspondence)*



*(Signature of Person Mailing Correspondence)*

**EL 743184481 US**

*("Express Mail" Mailing Label Number)*

**Note: Each paper must have its own certificate of mailing.**